

REMARKS

Applicants respectfully request that this application be reconsidered in view of the above amendments and the following remarks. In the amendment, claims 30 and 36 have been amended and new claims 46-48 have been added. Claims 46-48 are supported by the claims as originally presented and throughout the present application. Accordingly, no new matter has been added.

The Office has required restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 1-26, 29-32, 36/30, 37/36/30, 38/36/30, 39/36/30, 40/39/36/30, and 41/39/36/30 drawn to a method of operating a combustor bypass system classified in Class 60, subclass 773;

II. Claims 27 and 42-45 drawn to a method of operating a combustor bleed system classified in Class 60, subclass 782; and

III. Claims 28, 33-35, and 36/33, 37/36/33, 38/36/33, 39/36/33, 40/39, 36/33, and 41/39/36/33 drawn to a combined method of operating a combustor bypass system and bleed system, classified in Class 60, subclass 772.

Applicants hereby elect Group I (claims 1-26, 29-32, 36/30/ 37/36/30, 38/36/30, 39/36/30, 40/39/36/30, 41/39/36/30 and new claims 46-48) drawn to a method of operating a combustor bypass system without traverse. Applicants further elect the species relating to claim 14, but with traverse. The claims of these species are believed to include claims 14-22, 30, and 46-48. Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.


Applicants submit that the search and examination of each of the species in Group I does not raise a serious burden on the Examiner. In particular, the Examiner has not demonstrated that the search and examination of the claims of Group I is a serious burden and the species election

should therefore be withdrawn. See, e.g., MPEP § 803, second full paragraph: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." The species of Group I have been classified into the same class and subclass. Further, the pertinent art may be searched for the various species at the same time, and the application of the art to the claims requires similar considerations. Applicant consequently requests that the restriction requirement be reconsidered and withdrawn. Accordingly, Applicants request examination on the merits of all claims included in Group I.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 220772009600. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 
Christopher B. Eide
Registration No.: 48,375
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304

(650) 813-5720
(650) 494-0792